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Attorneys for Defendants and Counterclaim Plaintiffs PALO ALTO NETWORKS, INC. AND PATRICK BROGAN

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

WHEREAS Plaintiff and Counterclaim Defendant Fortinet, Inc. (“Fortinet”) and  
Defendant and Counterclaim Plaintiff Palo Alto Networks, Inc. (“Palo Alto Networks”) have  
agreed to a continuance pursuant to Local Rule 7-7 of the hearing date for Fortinet’s motion for  
summary judgment of noninfringement;

WHEREAS no opposition has been filed;

WHEREAS Palo Alto Networks believes Fortinet's motion is properly heard after the parties have briefed claim construction issues in this matter;

1           WHEREAS the parties have agreed upon a schedule for claim construction and summary  
2 judgment briefing in this matter, and the parties will propose the same to the Court in the form of  
3 a Joint Subsequent Case Management Conference Statement in advance of the Subsequent Case  
4 Management Conference scheduled before this Court on March 5, 2010; and

5           WHEREAS the parties have agreed that if there are multiple summary judgment motions  
6 to be heard on the date upon which Fortinet's motion ultimately comes before the Court,  
7 Fortinet's motion filed on January 18, 2010 and refiled on January 26, 2010, shall be the first  
8 summary judgment motion heard by the Court to the extent that such ordering is acceptable to  
9 the Court.

10          IT IS HEREBY STIPULATED by and between the parties, through their respective  
11 counsel undersigned, that:

12          The hearing on Fortinet's motion for summary judgment of noninfringement shall be  
13 continued to the date of the claim construction hearing set by the Court in this matter, or such  
14 other date as the Court prefers following claim construction briefing in this matter.

16 Dated: February 11, 2010

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Stefani E. Shanberg  
Stefani E. Shanberg

Attorneys for Plaintiff and Counterclaim  
Defendant FORTINET, INC.

20 Dated: February 11, 2010

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Ryan M. Kent  
Ryan M. Kent

Attorneys for Defendants and Counterclaim  
Plaintiffs PALO ALTO NETWORKS, INC.  
AND PATRICK BROGAN

26 PURSUANT TO STIPULATION, IT IS SO ORDERED

27 DATED: 2/12/10

  
The Honorable Ronald M. Whyte

## **ATTESTATION CLAUSE**

I, Stefani E. Shanberg, am the ECF User whose identification and password are being used to file this Stipulation. In compliance with General Order 45.X.B., I hereby attest that Ryan M. Kent of Durie Tangri LLP has concurred in this filing

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6 | Dated: February 11, 2010

**WILSON SONSINI GOODRICH & ROSATI**  
Professional Corporation

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By: /s/ Stefani E. Shanberg  
Stefani E. Shanberg

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**STIPULATION AND [ ] ORDER  
CONTINUING SUMMARY JUDGMENT HEARING  
CASE NO: 09-CV-00036-RMW**